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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/315,680 05/20/99 NICHOLLS

P 7210-000001/

EXAMINER

TM02/0330

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POINTVILLE

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

03/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/315,680

Applicant

PETER NICHOLLS ET AL

Examiner

Frantzy Polnvil

Group Art Unit

2164



☒ Responsive to communication(s) filed on Mar 31, 2000

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-85 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☒ Claim(s) 1-26 and 42-54 is/are allowed.

☒ Claim(s) 27-41 and 55-85 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2164

*Reissue Applications*

1. The reissue oath/declaration filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414.

The oath/declaration fails to identify at least a single word, phrase or expression in the specification or in an original claim, and how it renders the original patent wholly or partly inoperative or invalid.

2. Applicant is reminded of the continuing obligation under 37 CFR 1.56 to timely apprise the Office of any litigation information, or other prior or concurrent proceeding, involving Patent No. 5,631,827, which is material to patentability of the claims under consideration in this reissue application. This obligation rests with each individual associated with the filing and prosecution of this application for reissue. See MPEP §§ 1404, 1442.01 and 1442.04.

3. The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

The declaration of each named applicant fails to provide a Post Office address.

4. Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 CFR 1.121(b).

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5. The original patent with the original ribbon patent has not been surrendered. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 27-41 and 55-85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. considers with Canna, Elizabeth, "A supermarket for transport services".

As per claims 27, 55 and 69-71, Shavit et al discloses a system for on-line interactive transactions between independent users or clients and freight service providers on a network system. Note the figure 2 and the abstract. Shavit also discloses that a plurality of client devices may access a remote database and/or service provider using a public network (column 5, lines 15-65) and the system 50 makes available options to permit shopping for available space on desired routes as advertised by various freight carriers. Clients may inquire and book carrier services and receive immediate confirmation. Note column 6, lines 52-66 of Shavit. As per the claimed rate server, it would have been obvious to one of ordinary skill in the art that the carriers in the system of Shavit stores different rates and performs various calculations for obtaining the rates for a

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plurality of different routes and/or services so as to provide the service providers with an accurate rate or price for a selected service. Alternatively, a skilled artisan would have turned to Canna wherein a shipping system allowing shippers to connect to carriers is discussed. Rates based on routes are also discussed. Note pages 2 and 3 of the article. The freight service providers in turn act as a supervisory unit which is connected to the network and communicates messages between the rate servers and the remote clients, and thereby isolates the set of rules by which a shipper ships from the rules by which the carrier transports. Applicant is directed to column 16, lines 50-68 of Shavit. The clients communicate with the rate server via the server interface. Note column 5, line 15 to column 6, line 66. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the teachings of Canna into Shavit in order to determine pricing information based on routes for different carriers. The motivation would have been to provide instant pricing information to remote clients thereby providing a single source of providing all shipping information to shippers.

As per claims 28, 56 and 72, as with most applications, it would have been obvious to a skilled artisan at the time of the invention that the client application would have included an interface for facilitating communication with the client application. The rate server is also configured to communicate with the client application via the client interface. Note column 6 of Shavit.

As per claims 29, 57 and 73, note column 6, lines 52-66 of Shavit.

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As per claims 30, 58 and 74, if a package is to be transported by a carrier, then the client would have been required to provide for the cost for the shipping package based on the weight and delivery date of the package. These messages would have been communicated between the client and the rate server. Note column 17, lines 3-16 of Shavit et al.

As per claims 31, 59 and 75, since there would be different routes, different zones, different weights, rules and regulations and standards and a plurality of other data for a plurality of different clients, having a knowledge base pertaining to the carriers would have been obvious to the skilled artisan in order to obtain instant information from a particular client.

As per claims 32-34, 60-62 and 76-78, having a knowledge base of the shipper's rules, regulations and practices would have been obvious to the skilled artisan in order to facilitate clients with faster access of data requirements (such as packaging information) when desiring to ship a package. This would have also provided carriers with faster access of data requirements from clients.

As per claims 35-36, 63-64 and 79-80, many of the interprocess communication includes shared memory, pipes, signals and mailboxes that were practiced at the time of applicants invention. Shavit clearly teaches interprocess communications. Note figure 2 and column 5, lines 15-64 and column 11, lines 10-21.

As per claims 37, 65 and 81, note also figure 2 and column 11, lines 10-21 and column 8, lines 55-67 of Shavit et al.

As per claims 38, 66 and 82, note figure 1 of Shavit et al.

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As per claims 39, 67 and 83, printing waybills, shipping labels and shipping manifests are not explicitly detail in Shavit et al. The Examiner takes Official Notice that these claimed data are usually used in preparing shipping documents. Providing the client's application capabilities to print waybills, shipping labels and shipping manifests would have been obvious to the skilled artisan because provision of shipping data and paper receipts are routinely done in the shipping industry. This would have enabled the client or shippers with instant information when shipping/carrying a package from/to a destination.

As per claims 40 and 84, Shavit et al discloses various different communications for the message handling system. Note column 6, line 51 to column 7, line 22. Providing a document administration object for altering communication standards for the message handling system would have been obvious to the skilled artisan in order to facilitate communications with desired parties.

As per claim 41, 68 and 85, note figure 2 of Shavit et al.

The prior art taken alone or in combination fails to teach or suggest "at least one supervisory server for integrating operations on said rate server, and for making said operations accessible to said client application, said supervisory server having message processing means for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules" taken in combination with a logistics management tool as recited in independent claims 1 and 13.

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The prior art taken alone or in combination failed to teach or suggest "at least one supervisor server for making said operations of said rate server accessible to said client application, said supervisory server being connected to said network for sending messages to and receiving messages from said rate server and said client application and for handling messages sent and received based upon a predefined set of rules" taken in combination with a logistics management tool as recited in independent claim 42.

8.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

24Mar01

  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**